

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In the Matter of)

AUG 2 1999

CREATION OF A LOW POWER)
RADIO SERVICE)MM Docket No. 99-25
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

) RM-9208

) RM-9242

TO: The Commission

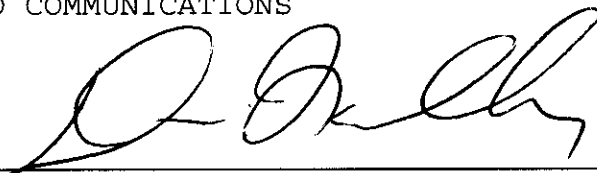
COMMENTS OF KIDD COMMUNICATIONS

Kidd Communications, licensee of Standard Broadcast Station KTHO, South Lake Tahoe, California, hereby respectfully submits its Comments in the above-captioned proceeding. Those Comments are contained in the attached statement.

Respectfully submitted,

KIDD COMMUNICATIONS

By



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To: FCC/Mass Media Bureau

COMMENTS ON PETITION FOR RULE MAKING

Submitted by Chris Kidd
Kidd Communications

Kidd Communications is the licensee of KTHO, South Lake Tahoe, California. We also have pending an application for AM 1400 at South Lake Tahoe and for a Class A FM at Truckee, California.

Kidd does not believe that LPFM is the best way to implement new service or augment existing service at this time. The Commission has not addressed the daytime and nighttime interference problems with AM broadcasting. Man-made daytime interference continues to increase dramatically. Interference among stations in the same city is also a problem.

AM 590 KTHO receives continuous interference from a station across the dial, AM 1490 KOWL. It is an IF interference problem. If you take the IF of 455 Khz. and double that to 910, subtract 910 from 1490 and you come up with 580 Khz. Yes in the same city there is local AM interference, yet there is no such avenue as an AM Translator, 50 watts to 150 watts on a different frequency to solve this problem. In the FM service a station has the option to apply for an FM Translator on a different frequency. The power levels are 10 to 250 watts.

Shadowing is also a problem with AM stations in the west. Regardless of the AM stations authorized power, you cannot penetrate through a mountain and serve an area on the other side of that mountain. You may reach the population further away from the mountains downside. Therefore an AM station needs authorization for a

fill-in service. The Commission has not authorized an AM Translator service. In regard to AM synchronous transmitter sites, they are discouraged. Plus there are many technical problems with on channel service. In order for AM stations to have the same translator opportunity as FM stations, they need authorization to apply for either an AM translator on a different frequency in the AM band, or for an AM translator in the FM band. In this notice of proposed rule making, in paragraph 17, the Commission states that "We do not favor authorizing low power radio use in the AM radio band". Therefore, it is unlikely that the Commission will ever allow AM Translators in the AM band.

The only opportunity for AM Translators is in the FM band. If LPFM becomes law without an authorization for AM stations, it will be an unfair preclusionary effect. The effect on service to the public will be chilling. There still exists many AM stations serving the public with real public affairs programming. This programming can never be duplicated by an LPFM.

To avoid a preclusionary effect on an existing service the Commission must hold pending the finality of this rulemaking until FM translators for AM stations can be authorized. The rules for FM Translators would not have to be re-written. It is simple, you add "AM" wherever FM is and "the protected .5 milivolt contour of the AM station" in the sections where they refer to the protected contour of the FM station.

If this cannot be done, then the Commission may be able to save AM broadcasting by incorporating authorization for LPFM ownership by AM stations. It will not help an AM station to file a contingent application as suggested in paragraph 57. If the AM operator must sell the AM station before turning on the LPFM then you have almost guaranteed the demise of that AM station and the service altogether.

When Congress enacted the Tele-communication act of 1996, it provided for the ownership of six radio stations in the same markets with no more than four in the same service. The commission proposes that if an entity owns one AM station in a market it is prohibited from ownership of any LPFM in that market or any where in the country. This is far from the original intend of Congress. One AM and one LPFM station is not six full service stations.

A new service such as LPFM should provide the opportunity for new entrance into the business. It also must not be so blind-sighted as to force existing stand-alone operators out of business. Throughout the country there still exists AM radio

stations which are not part of the major chain groups. They are single stations which are involved in their communities. In many cases, it is one stand alone AM and perhaps either a second AM or AM/FM combo. With LPFM coming on the air, there is a great concern of economic destruction to these stations, especially if they are prohibited from owning any LPFM what so ever.

Therefore, as a means for survival of these stand-alone and smaller operations, KIDD proposes the following ownership criteria:

1. An AM station should be allowed to own and operate an LPFM within its 5.0 milli-volt contour of the AM station. This is provided that they do not have an FM station where the 70 dbu of the FM station overlaps the 60 dbu of the proposed LPFM.

2. The LPFM would be authorized to simulcast some or all of the programming of the AM station. Please note that there is no AM translator service available for AM stations to utilize as a fill-in service. This would be the first opportunity for an AM station to provide fill-in service where their signal either deteriorates at night or interference is received by electrical power plants, electric casino signs, and/or heavy granite in areas they are trying to serve.

3. Outside of the 5.0 mill-volt contour of an AM station there should be not any restrictions, provided that the proposed LPFM 60 dbu contour does not overlap with the 70 dbu contour of any FM station in which it has an ownership interest.

G. Service Characteristics - Local Programming

Kidd believes that local programming should not restrict the re-broadcasting of any station particularly an AM station. A Radio station can affiliate with a service such as the Satellite Music Network out of Dallas, Texas for 24 hour programming. In this case, the public receives no local programming whatsoever. Because of this potential there is no valid reason to restrict the re-broadcasting of another station particularly if that station is providing local programming.

Commercial Programming

If the Commission were to restrict LPFM to non-commercial many of the arguments "except technical" would become moot, also if the service was restricted to non-commercial there would be a valid reason to restrict the re-broadcasting of other radio stations. Most importantly, you can not broadcast commercials on a non-commercial channel. Therefore, my own argument for the Commission to allow the re-broadcasting of AM station would become moot.

Sales Restrictions

If the Commission allows ownership LPFM's by existing Broadcasters sales restrictions on construction permits and licenses maybe appropriate. In any case, an LPFM construction permit holder should be prohibited from making a profit on the sale of a permit, otherwise speculative filings would occur. A more restrictive measure would be to restrict the sale of LPFM construction permits entirely. After an LPFM has been licensed for one year an application for transfer without restrictions should be permitted.

AM Low Power Radio - Kidd believes that LPAM possibilities should be explored. The power levels should be: 1. Micro - 10 watts 2. LPAM-50 - 50 watts 3. LPAM - 100 - 100 watts. If power must be reduced at night, the Commission's software could inform the operator of their nighttime authorization.

Paragraph 17 states "We believe that introducing low power radio stations into any part of the AM spectrum would have a serious negative impact on our efforts to improve the quality of reception in this band." However, there is no study showing how a 50 or 100 watt AM station could work, similar to travelers information service. Please run some coverage maps on the 3 proposed power levels. Also indicate what type of antenna system would be required. If it is similar to travelers information service, then the cost would be very realistic for a new LPAM operator.

Second and Third adjacent channel restrictions - This is the subject that worries most broadcasters. If you drop the restrictions for LPFM, do you offer the same for FM translators, I say yes because that make sense. However, the greater concern is, does this open up the entire FM band to new allocations? If adjacent channel restrictions must be changed, Kidd votes only to drop the third adjacent channel restriction and not the second.

No overlapping of the 60 dbu contour should be permitted with any LPFM under common ownership or any ownership with an attributable ownership interest. There should be a limit of 5 applications per filing window and a total of 5 stations which one could own nationally.

Respectfully Submitted

Chris Kidd

Please reply with any comments to:

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